



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Baker et al. Docket No: 39780-2830P1C47
Serial No: 10/015,671 Group Art Unit: 1647
Filed: December 11, 2001 Examiner: Rachel K. Hunnicutt
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC
ACIDS ENCODING THE SAME**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

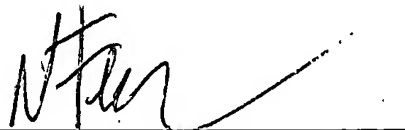
DECLARATION OF NAPOLEONE FERRARA, Ph.D.,
AUDREY GODDARD, Ph.D., PAUL J. GODOWSKI, Ph.D.,
AUSTIN GURNEY, Ph.D., JAMES PAN, Ph.D., COLIN K. WATANABE and
WILLIAM I. WOOD, Ph.D. UNDER 37 CFR 1.131

We, Napoleone Ferrara, Ph.D., Audrey Goddard, Ph.D., Paul J. Godowski, Ph.D., Austin Gurney, Ph.D., James Pan, Ph.D., Colin K. Watanabe and William I. Wood, Ph.D. declare and say as follows:

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Napoleone Ferrara, Ph.D.

10/4/04

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Audrey Goddard, Ph.D.

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Paul J. Godowski, Ph.D.

Date

James Pan, Ph.D.

Date

Austin Gurney, Ph.D.

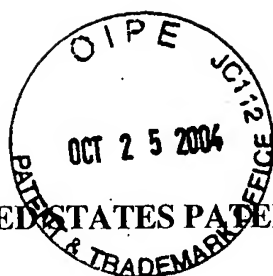
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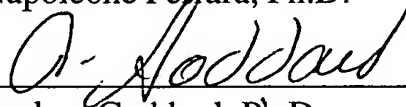
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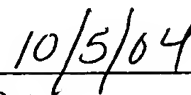
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Paul J. Godowski, Ph.D.

10/05/01

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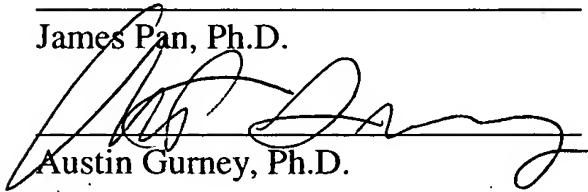
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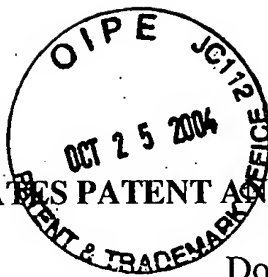
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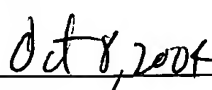
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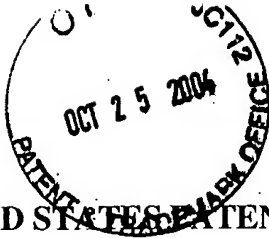
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P.O. Box 1450
Alexandria, Virginia 22313-1450

DECLARATION OF NAPOLEONE FERRARA, Ph.D.,
AUDREY GODDARD, Ph.D., PAUL J. GODOWSKI, Ph.D.,
AUSTIN GURNEY, Ph.D., JAMES PAN, Ph.D., COLIN K. WATANABE and
WILLIAM I. WOOD, Ph.D. UNDER 37 CFR 1.131

We, Napoleone Ferrara, Ph.D., Audrey Goddard, Ph.D., Paul J. Godowski, Ph.D., Austin Gurney, Ph.D., James Pan, Ph.D., Colin K. Watanabe and William I. Wood, Ph.D. declare and say as follows:

1. We are the inventors of the above-identified application.
2. We have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by U.S. Patent Publication No. 2003/0096951 (Jacobs *et al.*, publication date May 22, 2003 and effective filing date August 14, 1998).
3. The polypeptide designated as PRO1244 (SEQ ID NO:130) claimed in the above-identified application in the United States was sequenced and cloned prior to August 14, 1998.
4. At the time the PRO1244 polypeptide was cloned and sequenced, one of the inventors, Austin Gurney, Ph.D., was responsible for overseeing the cloning of cDNAs which encoded novel polypeptides, including the cDNA that encoded PRO1244 polypeptide (SEQ ID NO:130) claimed in the above-identified application.

5. At the time the PRO1244 polypeptide was cloned and sequenced, one of the inventors, Audrey Goddard, Ph.D., was, and still is, responsible for overseeing the sequencing of novel polypeptides, including the PRO1244 polypeptide (SEQ ID NO:130) claimed in the above-identified application.
6. A cDNA clone, referred to as DNA64883-1526 in the above-identified application, was identified as encoding the PRO1244 polypeptide.
7. The full length of the cDNA clone is shown in Figure 73 of the above-identified application. The full-length cDNA sequence has 2213 nucleotide residues. The full length of the PRO1244 peptide encoded by DNA64883-1526 is shown in Figure 74 of the above-identified application. The full-length PRO1244 polypeptide has 335 amino acid residues.
8. Copies of the pages from the GSeqEdit database which report the cloning and sequencing data for the PRO1244 polypeptide sequence and its encoding nucleic acid sequence are attached to this declaration (with the dates redacted) as Exhibit A.
9. The GSeqEdit report shows the full-length nucleic acid sequence for DNA-64883-1526 (identified as "DNA-64883") and the full-length PRO1244 polypeptide encoded by DNA 64883. Both the DNA-64883 and the PRO1244 polypeptide sequences were obtained prior to August 14, 1998.
10. The DNA-64883 sequence shown in the GSeqEdit report is identical to that of SEQ ID NO: 129 disclosed in the above-identified application.
11. The beginning of the cDNA sequence corresponding to SEQ ID NO: 129 in the above-identified application is shown on page 1 of the GSeqEdit database report, and the location of the first nucleotide is marked with "^insert starts here" and an arrow. The location of the last nucleotide corresponding to SEQ ID NO: 129 is shown on page 11 and is marked with an arrow.
12. The amino acid sequence shown in the GSeqEdit report is identical to that of SEQ ID NO: 130 disclosed in the above-identified application.

13. The first 26 amino acid residues of the PRO1244 polypeptide (SEQ ID NO:130) encoded by the cDNA (DNA-64883) are also shown on page 1 of the GSeqEdit report and the remaining 309 residues appear on pages 2-6 of the report.
14. All activities listed under paragraphs 4-13 were completed prior to August 14, 1998. (See Exhibit A).
15. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Napoleone Ferrara, Ph.D.

Date

Audrey Goddard, Ph.D.

Date

Paul J. Godowski, Ph.D.

Date

James Pan, Ph.D.

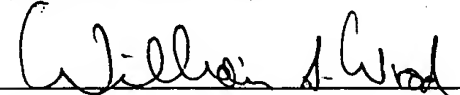
Date

Austin Gurney, Ph.D.

Date

Colin K. Watanabe

Date



William I. Wood, Ph.D.

12/5/14

Date

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>[REDACTED]
>DNA64883 [Full]
>510 Sites [All Sites]
>[REDACTED] DNA64883 wlv GSeqEdit
>[REDACTED] DNA64883 zemin GSeqEdit
>[REDACTED] DNA64883 goddarda GSeqEdit
>[REDACTED] DNA64883 sheldens GSeqEdit
>HBN64883.seq, sequenced at ABI/ACGT by Peter Ma and Ellison Chen
>human ortholog of implantation-associated protein - Rattus

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nlaIII mnlI
mslI
styI
ncoI
dsal tseI
btgI/bstDSI fnu4HI/bsol
bstXI bbvI
bsaJI hinPI
tsp45I hhaI/cfoI
hpaI maeIII hpy99I mnlI
bsmAI
CGGAATTGG CTCGAGGAGC GAACATGGCA GCGGTTGGC GTTTGTGTG ACCATGGTGG TGGCGCTGCT CATCGTTTGC GACGTTCCCT
GCCTTAAGCC GAGCTCCTCG CTTGTACCGT CCGGCAACCG CCAAAACCCAC ACAGAGACAC TGGTACCACC ACCGGGACGA GTAGCAAACG CTGCAAGGGA
1
M A A R W R F W C V S V T M V V A L L I V C D V P S
^insert starts here
^MET

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mnII      aluI
alwNI{dcm-}
alw26I/bsmAI      bsaXI      hpy188I      mspAII/nspBII      pvuII      bsmAI
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GTCGGAGACG GGTTCCTTTC TTCCCTCTACC ACAATAGACT TTCCAATCA GTCGACTACC TTACCTGATT GTTTTCTGGA CATTATTCTT ACTTACCTCT
27 A S A Q R K K E M V L S E K V S Q L M E W T N K R P V I R M N G D

bst4CI/hpyCH4I11I      cac8I
tspRI      cac8I
btsI      hpyCH4V tspRI      hpyCH4V al
nlaIII      tsp509I
hpy99I
201 CAAGTTCGGT CGCCTGTGA AAGCCCCACC GAGAAATTAC TCGTTATCG TCATGTTTAC TGCTCTCCAA CTGCATAGAC AGTGTGTCGT TTGCAAGCAA
GTTCAAGGCA GCGGAACACT TTCGGGGTGG CTCCTTTAATG AGGCAATAGC AGTACAAGTG ACGAGAGGTT GACGTATCTG TCACACAGCA AACGTTTCGT
60 K F R R L V K A P P R N Y S V I V M F T A L Q L H R Q C V V C K Q

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mvaI
ecoRII[dcm-]
dsaV[dcm-]
bstNI
bssKI[dcm-]
apyI[dcm+]
sau3AI
mboI/ndeII[dam-]
dpnII[dam-]
dpnI[dam+]
alwI[dam-]
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alwNI[dcm-]
alw26I/bsmAI
tsp509I[M.ecoRI-]
ecoRI pflMI[dcm-]
apoI bslI[dcm-]
mboII hpy188III
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CGACTACTTC TTAAGGTCTA GGACCGTTTG AGGACCGCTA TGAGGTACAG TAAGTGGTTG TCCTATAAAA AACGGTACCA CCTAAAACTA CTTCCGAGAC
93 A D E E F Q I L A N S W R Y S S A F T N R I F F A M V D F D E G S D

nlaIII
styI
ncol
dsaI
btgI/bstDSI
bsaJI hpy18

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tsp509I[M.ecoRI-]
 ecoRI hpyCH4V
 sfanI apoI
 hpy188I nlaIII aluI
 401 ATGTATTTCATGATGCTAAACATGAATTTCAGCTCCAACCTTTCTCAACTTTCTCGCAAAAGGGAACCCCAAACGGGGTGATACATATGAGTTACAGGTGGC
 TACATAAAGTCTACGATTGTACTTAAGTCGAGTTGAAA GTAGTTGAAA GGACGTTTTC CCTTTGGGTT TGCCCCCACTA TGTATACCTCA ATGTCCACGC
 127 V F Q M L N M N S A P T F I N F P A K G K P K R G D T Y E L Q V R

ddeI[M.aluI-]
 bspCNI mspI sau3AI
 cellI/espI hpaII mboI/ndeII[dam-]
 blpI/bp1102I scrFI[M.hpaII-]
 aluI nciI dpnII[dam-]
 pvuII dsav dpnI[dam+]
 mspAII/nsbII bssKI alwI[dam-] sspI
 501 GGGTTTTTCA GCTGAGCAGA TTGCCCGGTG GATCGCCGAC AGAAGTATG TCAATATTAG AGTGATTAGA CCCCCAAATT ATGCTGGTCC CCTTATGTTG
 CCCAAAAAGT CGACTCGTCT AACGGGCCAC CTAGCGGCTG TCTTGACTAC AGTTATAATC TCACATAATCT GGGGGTTTAA TAGGACCAGG GGAATACAAC
 160 G F S A E Q I A R W I A D R T D V N I R V I R P P N Y A G P L M L

aluI
 taqI
 sfiI
 bstBI
 bsiCI
 baeI mboII mboII
 601 GGATTGCTTT TGGCTGTTAT TGGTGGACTT GTGTATCTTC GAAGAAGTAA TATGGAATTT CTCTTTAATA AAACCTGGATG GGCTTTTGCA GCTTTGTGTT
 CCTAACGAAA ACCGACAATA ACCACCTGAA CACATAGAAG CTCTTTCATT ATACCTTAAA GAGAAATTAT TTTGACCTAC CCGAAAACGT CGAAAACACAA
 193 G L L L A V I G G L V Y L R R S N M E F L F N K T G W A F A A L C F

		nlaIII	nlaIII	
		pcII	styI	
		nspHI	ncOI	
		nspI	dsal	
	sau96I	bsII		
	avaII	tfII	btgI/bs	
	nlaIV	hinfI	bsmFI	tsp509I bsaJI
701	cac8I ahdI/eam1105I	ndeI		
	TATGACATCT GGTCAAATGT GGAACCAATAT AAGAGGACCA CCATATGCC CCACACGGGA CATGTGAATT ATATCCATGG			
	AACACGAACG ATACTGTAGA CCAGTTTACA CCTTGGTATA TTCTCCTGGT GGTATACGGG TATTCTTAGG GGTGTGCCCT GTACACTTAA TATAGGTACC			
227	V L A M T S G Q M W N H I R G P P Y A H K N P H T G H V N Y I H G			

		ddeI	tseI
		eco8II	fnu4HI/bsoFI
	tru9I	bsu36I/mstII/sauI	bbvI hpyI
	bsrI aluI	mboII maeIII	aluI mnlI
801	AAGCAGTCAA GCCCAGTTTG TAGCTGAAC ACACATTGTT CTCTGTTTA ATGGTGGAGT TACCTTAGGA ATGGTGCTTT TATGTGAAGC TGCTACCTCT		
	TTGCTCAGTT CGGGTCAAAC ATCGACTTTG TGTGTAACAA GAAGACAAAT TACCACCTCA ATGGAATCCT TACCACGAAA ATACACTTCG ACGATGGAGA		
260	S S Q A Q F V A E T H I V L L F N G G V T L G M V L L C E A A T S		

		sau3AI	
		mboI/ndeII[dam	
		dpnII[dam-]	
		dpnI[dam+]	
	eco57I foki	bstYI/xhoII	
	mboII bstF5I	bgIII nl	
901	GACATGGATA TTGGAAGCG AAAGATAATG TGTGTGGCTG GTATTGGACT TGTTGTATTA TTCTTCAGTT GGATGCTCTC TATTTTAGA TCATAATATC		
	CTGTACCTAT AACCTTTCCG TTTCATTATAC ACACACCGAC CATAACCTGA ACAACATAAT AAGAAGTCAA CCTACGAGAG ATAAAAATCT AGATTATAG		
293	D M D I G K R K I M C V A G I G L V V L F F S W M L S I F R S K Y H		

bsmFI
 sau96I
 nlaIV
 avall
 tru9I ppuMI
 aluI hpy188I mseI eco109I/draII
 1001 ATGGCTACCC ATACAGCTTT CTGATGAGTT AAAAAGGTCC CAGAGATATA TAGACACTGG AGTACTGGAA ATTGAAAAAC GAAAATCGTG TGTGTTTGAA
 TACCGATGGG TATGTCGAAA GACTACTCAA TTTTCCAGG GTCTCTATAT ATCTGTGACC TCATGACCTT TAACCTTTTG CTTTTCAGCAG ACACAAACTT
 327 G Y P Y S F L M S O

bsmI
 mboII hpyCH4V
 1101 AAGAAGAATG CAACCTGTAT ATTTGTATT ACCTCTTTT TTCAAGTGAT TTAATAGTT AATCATTTAA CCAAGAAGA TGTGTAGTGC CTTAACAAGC
 TTCTTCTTAC GTTGAACATA TAAACATTA TGGAGAAAAA AAGTTCACATA AATTATCAA TTAGTAAATT GGTTCCTTCT ACACATCAGG GAATTGTTTCG

mnlI
 ddel
 bspCNI
 hpy188I
 mnlI
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psII tsp509I
 1301 ATTATAAAAA TTGTAAACT ACTACTTGT TTTAGTTAGA ACAAGCTCA AAACACTTT AGTTAACTTG GTCACTGTAT TTTATATTGC CTTATCCAAA
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pspGI

mvaI

ecoRII[dcn-]

dsaV[dcn-]

bstNI

bssKI[dcn-]

apyI[dcn+]

sexAI

hpy188III

ndeI

maeIII

tsp509I[M.ecoRI-]

xmnI

ecoRI

asp700

apoI

ddeI[M.aluI-]

mboII

aluI

mslI

fokI

bstF5I

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tail

hgiAI/aspHI

bsp1286

hpy188I

bstZ17I

bst1107I

accI

sfaNI

tsp509I

nlaIII bbsI

mboII

bpuAI

bsiHKA I rmaI ddeI

hpy188I maeII/hpyCH4IV

eco57I aflIII maeI bspC

mboII bmyI btrI bfaI mnlI

1501 GTATACITTA CGCATCTTTC CTTTGTAGTA GAGAAATTAT GTGTGTCATG TGGTCTTCTG AAAATGGAAC ACCATTCTTC AGAGCACACG TCTAGCCCTC
CATATGAAAT GCGTAGAAG GAAACTCAT CTCCTTTAATA CACACAGTAC ACCAGAAGAC TTTTACCTTG TGGTAAGAAG TCTCGTGTGC AGATCGGGAG

GSeqEdit, DNA64883 [Full], page 8

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scrFI[dcm-]
pspGI
mvaI
ecorII[dcm-]
dsaV[dcm-]
bstNI
    haeIII/palI
mscI/balI[dcm-]
eaeI[dcm-]
cfrI
scrFI[dcm-]
pspGI
mvaI bssKI[dcm-]
ecorII[dcm-] tsp45I
dsaV[dcm-] maeIII
bstNI hinPI
    bssKI[dcm-] tspRI
pleI bslI[dcm-] hhaI/cfoI
    ddeI mlyI bsaJI apyI[dcm+]
    bspCNI hinfi apyI[dcm+] btsI
1901 AAGAGAAAA TAGGCTCAGT TAGAAAAGGA CTCCTGGCC AGGCGCAGTG ACTTACGCT GTAATCTCAG CACTTTGGGA GGCCAAGGCA GGCAGATCAC
    TTCTCTTTT ATCCGAGTCA ATCTTTTCT TCCGCTCAC TGAATGCGGA CATTAGAGTC GTGAAACCCT CCGTTCCGT CCGTCTAGTG
    ddeI bspCNI
    styI cac8I
    haeIII/palI
    mnlI bsaJI
    dpnII[d
    dpnI[da
    bssS
    hpy18
    sau3AI
    mboI/nd

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mvaI
ecorII[dcM-]
dsaV[dcM-]
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bsmAI bssKI[dcM-]
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        hpy188III bsaI bstFSI haeIII/palI esp3I aluI
            mnlI hpy188III apyI[dcM+] hphI bsmBI tsp509I nlaIV
2001 GAGGTCAGGA GTTCGAGACC ATCCTGGCCA ACATGGTGAA ACCCGTCTC TACTAAAAAT ATAAAAATTA GCTGGGTGTG GTGGCAGGAG CCTGTAATCC
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mvaI
ecorII[dcM-]
dsaV[dcM-]
bstNI
sau3AI btsI
    mboI/ndeII[dam-]
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            aluI mnlI bssI
                bspCNI hinfI
                    ddeI tfil
                        aluI mnlI bssI
                            bspCNI hinfI
                                ddeI hpy188III
                                    mnlI tspRI
                                        dpnI[dam+] bsgI bpmI/gsuI[dcM-]
                                            2101 CAGCTACACA GGAGGCTGAG GCACGAGAT CACTTGAAT CAGGATGG AGGTTTCAGT GAGCCGAGAT CAGGCCACTG CACTCCAGCC TGGCAACAGA
                                                GTCGATGTGT CCTCCGACTC CGTGTCTTA GTGAACCTGA GTCCCTCTACC TCCAAAGTCA CTCGGCTCTA GTGGGTGAC GTGAGGTCGG ACCGTTGTCT

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1592